

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**UNITED STATES OF AMERICA,**

Plaintiff,

CR 05-00379 MJP

V.

SCOTT LINFORD STIRKINS,

Defendant.

**ORDER CONTINUING TRIAL DATE  
AND PRETRIAL MOTIONS DEADLINE**

## ORDER

THIS MATTER COMES before the Court on the stipulation of the parties requesting an Order setting a new trial date. Having considered the stipulation of the parties and all of the files and records herein,

**THE COURT FINDS AS FOLLOWS:**

1. Failure to grant a continuance in this case will deny defense counsel the reasonable time necessary for effective preparation for trial and other pretrial proceedings, taking into account the exercise of due diligence; and

2. The ends of justice served by granting this continuance outweigh the best interest of the public and the defendants in a speedier trial; and

[PROPOSED] ORDER CONTINUING TRIAL  
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1       3.     The failure to grant a continuance in the proceeding will likely result in a  
2 miscarriage of justice; all within the meaning of 18 USC § 3161 (h) (8) (A), (B)(i) and  
3 (B)(iv).

4           THE COURT THEREFORE ORDERS THAT:

5       1.     The trial shall be continued from December 27, 2005 to February 6, 2006.  
6       2.     The Court further orders that all pretrial motions shall be filed on or before  
7 January 13, 2006.

8       3.     The period of time from the current trial date until the new trial date  
9 encompassed by the continuance shall be excluded from the computation of time under the  
10 Speedy Trial Act.

11      4.     The defendant shall promptly file a speedy trial waiver encompassing the  
12 excluded time period.

13           DATED this 30<sup>th</sup> day of November, 2005.

14  
15           /S/Marsha J. Pechman

16           Hon. Marsha J. Pechman  
United States District Judge